

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
May 24, 2011
7:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, and Mark Winings

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the May 10, 2011 minutes, which were previously provided to the Board.

Alderman Goodman moved to approve the May 10, 2011 minutes. Alderman Harris seconded the motion.

The motion passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Goldstein presented the Board with a proclamation recognizing the week of May 22-28, 2011 as Public Works' Week.

AN ORDINANCE TO ENTER INTO A COOPERATIVE AGREEMENT WITH ST. LOUIS COUNTY FOR INCLUSION IN THE RESIDENTIAL ENERGY EFFICIENCY LOAN PROGRAM ALSO KNOWN AS SAVES

City Manager Owens reported that this request is for the Board of Aldermen to consider adopting an ordinance to enter into a cooperative agreement with St. Louis County, Missouri for inclusion in the Residential Energy Efficiency Loan Program, also known as SAVES.

The SAVES Program, managed by St. Louis County, offers low interest loans for homeowners that want to make eligible energy saving home improvements such as air sealing, insulation and high efficiency HVAC and water heating equipment. The Director of Energy Sustainability for St. Louis County anticipates the Program will launch on May 20, 2011. In order for Clayton residents to be eligible to apply for a loan through this program, the City and County must enter into a cooperation agreement. Recommendation is to approve the cooperation agreement.

Alderman Lichtenfeld introduced Bill No. 6263 to consider an ordinance to enter into a cooperative agreement with St. Louis County for inclusion in the Residential Energy

Efficiency Loan Program also known as SAVES to be read for the first time by title only. Alderman Goodman seconded.

Mayor Goldstein explained that the SAVES program is also known as the PACE program.

In response to Alderman Lichtenfeld's question, City Attorney O'Keefe stated that he is not aware of any income restrictions for the program.

In response to the Alderman Garnholz's question, City Manager Owens stated that the FICO score is an individual's credit rating and that an applicant for the program must meet a certain FICO rating requirement.

In response to Alderman Goodman's question, City Manager Owens stated that the program is perpetual until it is discontinued.

City Attorney O'Keefe reads Bill No. 6263 to consider an ordinance to enter into a cooperative agreement with St. Louis County for inclusion in the Residential Energy Efficiency Loan Program also known as SAVES for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Lichtenfeld introduced Bill No. 6263 to consider an ordinance to enter into a cooperative agreement with St. Louis County for inclusion in the Residential Energy Efficiency Loan Program also known as SAVES to be read for the second time by title only. Alderman Goodman seconded.

City Attorney O'Keefe reads Bill No. 6263 for the second time. Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6146 of the City of Clayton.

A RESOLUTION APPROVING A CONTRACT WITH GERSHENSON CONSTRUCTION COMPANY, INC. FOR THE FORSYTH BOULEVARD AND NORTH MERAMEC AVENUE RESURFACING PROJECT

City Manager Owens reported that bids were opened at 2:05 pm on May 16, 2011, for the Forsyth Boulevard/N. Meramec Avenue Resurfacing Project. The City received two responsive bids as shown on the attached bid tabulation. Gershenson Construction Company submitted the low bid in the amount of \$2,055,443.53.

The Scope of Work consists of the removal of the existing asphalt surface (2" nom, with variation as noted.) and replacement with a new 2" asphalt overlay. Replacement of underlying concrete slabs may be necessary in isolated locations as conditions require. Existing curb ramps will be replaced in order to bring them into ADA compliance. Precast concrete paver crosswalks will be installed on a concrete base at several locations. Traffic signal detection and pavement markings will be replaced upon completion of the overlay. Traffic control and other incidental items shall be included as shown in the specifications.

The Revolving Public Improvement Fund has \$1,700,000 budgeted for this activity in FY 2011. The Department of Public Works is requesting approval of the contract for \$2,055,443.53, which represents the bid submitted by Gershenson Construction Company. The bid includes

\$404,500 in base repair, which would repair 10% of the total area. This was built into the project after the 2009 Davis Place Resurfacing Project, in which 8.5% of the base was repaired. In addition, the Director of Public Works requests authorization to approve change orders in an amount not to exceed \$300,000, which is approximately 15% of the project cost. This contingency would be used to cover expenditures to correct unknown site issues that become apparent during the project. In the event that the amount of base repair required is minimal and no unforeseen costs are discovered, the contingency and base repair costs would be reduced or eliminated.

If deemed necessary, a scope reduction could be considered via change order upon execution of the contract and approval by MoDOT. However, please note that MoDOT stipulates a maximum project reduction of 10% or less. This project bid did come in higher than what was budgeted. Staff recommends moving forward with this project as over \$1M is funded by a federal grant and is work that is necessary and planned in our CIP. Should the work require the use of contingency and should the concrete base repair work be as extensive as budgeted, we will either need to take the additional funds from reserves or issue some non-tax-increase debt. Staff is preparing a discussion of increased use of non-tax-increase debt for our capital improvement funding and will be discussing this option during our budget process. This project funding gap will be included in that discussion.

Recommendation is to approve the resolution authorizing a contract with Gershenson Construction Company, in the amount of \$2,055,443.53, plus a contingency of \$300,000 for the Forsyth Boulevard/N. Meramec Avenue Resurfacing Project.

Alderman Lichtenfeld moved to approve Resolution No. 11-20, to consider approving a contract with Gershenson Construction Company, Inc. for the Forsyth Boulevard and North Meramec Avenue Resurfacing Project. Alderman Goodman seconded.

In response to Alderman Goodman's question, Mike Pratt first thanked the Board for attending Gary Scheipeter's award recognition reception.

Mr. Pratt explained that it would cost a little over \$200,000 to replace all of the brick print crosswalks. He explained that when applying for federal grants they have to estimate costs three years in advance of the project and back then they had a different perception of the process. They will be replacing the brick print surfaces with a more sustainable technique than what had been originally applied.

In response to Alderman Garnholz's question, Steve Meyer stated that the total for the pavers is approximately \$250,000.

In response to Alderman Garnholz's question, Mike Pratt stated that one of the visually impaired attributes for the cross walk will be a distinctive color which is a different operation than the microsurfacing project on Brentwood that had the color of a pink cast. He explained that at that time the pink streets were due to the microsurfacing operation and they could not get the black filler material readily available from the supplier.

The motion passed unanimously on a voice vote.

A RESOLUTION APPROVING A CONTRACT WITH UNITED CONSTRUCTION FOR THE CITY HALL IT DATA CENTER PROJECT

City Manager Owens reported that the City Hall IT Data Center Project is part of Phase I of upgrading the City's IT Infrastructure as outlined in the Information Technology Master Plan. The current Data Center at the Police Building was selected as a temporary location to accommodate IT Equipment during the City Hall renovation approximately nine years ago. This Data Center does not meet current standards and presents a risk to the operational integrity of our entire IT system since it constitutes a single point of potential failure. The facility has limited space, limited power and cooling and cannot accommodate today's high density IT equipment necessary for maintaining and enhancing the City's Information Systems.

On September 23, 2010 the City entered into an agreement with KJWW Engineering Consultants to provide Planning/Design, Bid/Negotiation and Construction Oversight Services for the remodeling of the City Hall IT Telecom Closet into a Data Center. On March 11, 2011 the City received one (1) responsive bid from J.W Fuller Construction in the amount of \$230,000 for the City Hall IT Data Center Project. Due to lack of response and budget concerns due to the bid being over the anticipated amount, the decision was made to re-bid the project. New bids were opened at 2:00 p.m. on April 15th, 2011. Four (4) responsive bids were received as shown on the attached bid tabulation. United Construction submitted the lowest base bid in the amount of \$185,000. KJWW Engineering reviewed United Construction's bid documents and concluded that United Construction complies with plans and specifications and recommends accepting the low bid of \$185,000 and Bid Alternate #1 in the amount of \$675 for curb work around the generator.

The Scope of Work consists of remodeling the City Hall Telecom Closet into a Data Center as described in the contract documents. Under the terms of the agreement, the contractor shall furnish and install a generator, FM200 fire suppression system, ladder rack, and provide connections to, and coordination with owner-provided UPS, equipment racks and in-row cooling units. Other work to be performed includes rework of drop ceiling, relocation of existing network cabling rack, installation of security components, and other items as described in the bid document. The owner-provided equipment for this project accounts for an additional \$58,646 and will be directly procured by the City utilizing the Missouri State Contract.

The total cost for the City Hall IT Data Center Project including the Base Bid, Bid Alternate #1 and the owner-provided equipment is \$244,321. The Equipment Replacement Fund has \$200,000 budgeted for this activity in FY 2011. The increase of \$44,321 is due to additional mechanical and steel work expenditures to overcome significant space limitations for the generator and air condensing units at City Hall. The Department of Management Information Systems is requesting approval of the contract for \$185,675, which represents the bid submitted by United Construction. This upgrade will enable the City to move forward with the implementation of the Information Technology Master Plan and address immediate operational concerns with the existing Data Center at the Police Department. In addition, staff requests authorization to approve change orders in an amount not to exceed \$9,250.00, which represents 5% of the bid submitted by United Construction. This contingency would be used to cover expenditures to correct unknown site issues that may become apparent during the project.

Recommendation is to approve the resolution authorizing a contract with United Construction in the amount of \$185,675, plus a contingency of \$9,250.00 for the City Hall IT Data Center Project.

Alderman Lichtenfeld moved to approve Resolution No. 11-21, to consider approving a contract with United Construction for the City Hall IT Data Center Project. Alderman Goodman seconded.

In response to Alderman Maddox-Dallas' question, City Manager Owens stated that the data storage area is part of a "cloud" in the way that it is being designed. He said that to take all of the storage offsite the City would still bear a lot of the costs of the data center, because most of it is the "communication" to bring it in such as routers, cooling equipment, etc.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER APPROVING A DOG PARK SURVEY

City Manager Owens reported that the Parks and Recreation Advisory Commission recommended a survey be conducted to assess resident sentiment for a dog park to be located in Shaw Park. Staff researched the cost of such a survey and received proposals from three firms. Prices for similar approach ranged from \$6,500 to \$10,000.

Over the past few years Clayton has considered various locations for a dog park including Wydown Park, Oak Knoll Park and Concordia Park. In each case it has been determined that these facilities were inappropriate and in each case there was considerable neighbor opposition. The proposed survey would be a sample survey of residents throughout the city.

This survey was not a budgeted item. Should the Board of Aldermen wish to proceed with the survey we recommend using ETC which is the company that conducted both the annual citizen survey and has conducted the CRSWC survey over the past several years. The proposal is for \$6,500 with an option to present the results for another \$1,000.

Staff recommends using the firm ETC to conduct the Dog Park Survey for an estimated amount of \$6,500 should the Board wish to conduct a survey on this topic.

Alderman Lichtenfeld moved to approve a dog park survey. Alderman Goodman seconded.

Mayor Goldstein reported that the Board had a lively discussion session at their meeting last week to which she felt it was good to hear the different perspectives on the issue. She would enjoy hearing again a summary of the Board's perspectives as they discuss the issue.

Mayor Goldstein recognized that there were no Dog Park Task Force individuals in the audience, however she did receive an email from Ben Uchitelle representing the Dog Park Task Force and she forwarded the email to the Board. She said that the Task Force is concerned about spending \$6,500 of the City's funds on a survey and have asked if the Board would consider a six-month trial basis dog park in Shaw Park.

Mayor Goldstein stated that she has personally struggled with this issue for a long time, 18 months or more and feels it is pretty difficult to decipher what the sentiment is of the community at large. She said that as with other issues the Board will hear from citizen groups in favor or against some issues and although she feels like she's heard from 150 people who support a dog park she also feels that there are about 15,000 citizens to whom she doesn't know where they stand. She said that in view of that and of the recommendation from the Parks and Recreation Commission, \$6,500 is a lot of money to spend, and where a lot of staff time has been used to investigate other dog parks, locations, design, etc. it seems that a lot more than \$6,500 has already been spent. She said for the Board to make a decision and move on one way or the other is appropriate. She wants the Board to have an opportunity tonight to express their concerns and comments before taking a roll call vote on the topic. She commented that

this Board when making a group decision is terrific in going with the program when someone doesn't get what they want, which is a great strength in the community. The personal opinions are put on the back burner and aldermen then do what is best in view of the decision.

Alderman Lichtenfeld said that he has discussed the issue with his four-legged family member and has surveyed several of the parks and his conclusion is that he really doesn't feel that he can support a trial dog park for any length of time in a location that he doesn't feel is appropriate. He said that going forth with a survey he doesn't feel that it is right to spend money to survey feelings for a location that he also feels inappropriate and expressed his non-support.

Alderman Goodman feels that the Board has struggled with the issue for a number of years because there is no great solution. She said that we are a community that prides itself on both high-quality amenities and responsiveness and they are trying to figure out how to provide a quality dog park for a significant number of residents while adhering to a comprehensive Parks Master Plan that does not include a site which is a struggle. She said that the Parks and Recreation Commission has spent a great deal of time hearing from residents, understanding in-depth staff reports, and discussing various options and their recommendation is to conduct a survey that focuses on the Shaw Park location because it has distinct advantages of parking and no proximity to neighbors. She is in favor of the survey and she would enjoy a dog park and knows that many people who do not want to use green space for this purpose should be heard from as well. She said that at this juncture in the public conversation a well-constructed survey is needed. She said that she cannot hit a golf ball, but she certainly supported \$30,000 or more to be in a partnership with University City to provide golf as an amenity and thinks that the dog park would be an amenity for the community. This issue needs to continue to be looked at and be flexible enough to consider, she doesn't believe that a temporary test is the way to go.

Alderman Harris stated that it is difficult to sort everything out and determine what the residents as a whole really want. She puts aside her personal views on her thoughts about the City's parks and the following facts – in 2006 survey 31% of responding households identified a need for a dog park. This amount was equal to the number of people responding for soccer fields, baseball/softball fields, an outdoor amphitheater and it translated to over 1,600 households. She said that also in that survey 17% selected a dog park as one of their top 4 most important facilities which was equal to the indoor leisure pool at The Center, more than the tennis courts, playground equipment and soccer fields. She said that in 2007 they updated/created a Parks Master Plan which had public input and recommendations from consultants and was approved by the Board to which a dog park was identified as important, but only if additional land was obtained. It was deemed that Clayton is under-parked for the population in an amount of .3 acres. The 2009 survey had no dog park question presented, but the importance of green space was identified and 26% of the respondents identified this as one of their top 3 parks and recreation priorities. In 2010, 45% of respondents identified a dog park as the number 3 or 4 priority on a 4 point scale if an appropriate location was available. Proximity to neighborhoods after having explored several options over the historical tenure of the issue is an issue which they know now cannot be done in a neighborhood. Shaw Park is not banked by neighborhoods, but is meeting many demands already with over 300,000 users annually. Shaw Park is designated as a regional park and has been identified by various consultants as a centerpiece to feature economic lifestyle and cultural development in Clayton. The City does not have to provide funding for the dog park. The Parks and Recreation Commission recommended that the City do the survey. She feels that there are clearly sound facts on both sides of the issue which makes it difficult to understand how to represent the constituents. She wants to walk side by side with the residents and do what they want and represent them well, therefore endorsing the survey. She feels this is the only way to get a statistically sound piece of information that

will show both the support for a dog park in the Shaw Park location and also the balance of what the residents desire in terms of green space.

Alderman Maddox-Dallas thanked Alderman Harris for sharing those facts and said that when the City did a master plan there were professionals working with the City to determine where a place should be for a dog park. She knows that in Ward 1 she learned much more due to the recent proposal for the Concordia property and the most common question was to put it in Shaw Park which is away from the neighborhoods. She said that when she acquired more information about Shaw Park from the Parks and Recreation director she learned that the park is overused with a huge influx of children going in and out of the park, to the ball fields, the weekends and there were a number of factors that led the experts to say that it may not be a wise idea to put it there. As far as doing a survey, she said that 49% of the residents wanted a dog park if there was an appropriate place, which they now know is not in a neighborhood, but that 70% of the residents wanted to place priority on acquiring more green space. She is having a hard time reconciling taking away green space. She understands the analogy of spending funds for the golf course which is a tangible asset to which she can go and use it, but spending money on a dog park survey is another piece in the "cog" of still talking about this particular issue and trying to make a decision. She doesn't see that anything has changed in Shaw Park and they haven't received any more green space and is certainly not used any less than before. She feels that this Board made a good decision in 2007 and added that she has two dogs that she would love to take to a space. She said that it is not being for or against a dog park she agrees with the original recommendation to continue to think out of the box, continue to look for possible additional land in which case she would fully support.

Alderman Garnholz echoes the sentiments of Aldermen Lichtenfeld and Maddox-Dallas and feels that it is a lot of money to spend on a survey and feels that ultimately the loss of green space would be a huge loss in Shaw Park. This is a park that is perhaps overused at this point and a dog park would only add to the use of the park. She also owns a dog and is also a member of a dog park in University City. She feels that in terms of area, Clayton is a small city and in terms of the park space there is very little park space for the population and she feels like this is an area where Clayton can partner with another city. She doesn't feel strongly that a dog park must be located within the boundaries of the City of Clayton and there are other options and hopes that someday they can find a space that is appropriate. She would like to encourage dog park proponents to work with residents of nearby cities and believes that most Clayton residents will get in their car to go over to a dog park located at Shaw Park and if that is the case then the dog parks in University City and Maplewood are not very far away. In summary she does not support in spending the money for a survey.

Alderman Winings stated that he was a member of the Parks and Recreation Commission that has considered this issue for the last two years and the Commission went through the right process. They heard from the public, they talked about it a lot and they understood the advantages of a dog park and the desire for a dog park among many in the community. The Commission also believed that Shaw Park is the only possible location in Clayton for a dog park to which they unanimously recommended doing a survey. At that time the only fact that they didn't have was the cost which is higher than he had hoped, but he agrees with Mayor Goldstein that in the grand scheme of things it is a small price to pay to finally resolve the issue. He would not imagine that he would support a dog park in Shaw Park, temporary or otherwise, unless they received the results of a very well done survey that showed wide community support. He would want that survey to make it clear that the dog park would be located in a very particular place, the acreage involved, the loss of green space and also that membership is required. He

feels that they owe it to the Dog Park Task Force and the community to find out what the depth of the sentiment is and he supports the survey.

The motion passed on a roll call vote - Alderman Lichtenfeld – Nay; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Nay; Alderman Garnholz – Nay; Alderman Winings - Aye; and Mayor Goldstein – Aye. 4 - Ayes to 3 - Nays.

Mayor Goldstein thanked the Board for their thoughtful comments and for their willingness to share their very diverse perspectives with their fellow elected officials. She said that a survey will be conducted and if a dog park for Shaw Park is supported by the majority of the citizens at large, she is going on record that the Dog Park Task Force has assured the Board repeatedly that they would fund at least a significant portion if not all of a dog park. She said that the Board needs to remember this as they go into the budget process because they are in an economically challenged time and if the survey comes back in favor of the dog park they need to be cognizant of the conversation. She said that likewise before the survey is sent she will remind the Task Force that just as the elected officials are bound to listen to the results of the survey, they are as well. It is time for everyone to move on because it's been a long two years and a lot of time spent. They will be seeking comments from the Board and seeking comments, not inputs from the Task Force asking them to take a look at the questions and agree that it will be a an unbiased survey.

Other

Mayor Goldstein reminded the Board that they review the list of provisional judges and recommend reappointments or new appointments.

Mayor Goldstein reported that she attended a very nice celebration Eric (Evelyn) Newman's 100th Birthday.

Alderman Lichtenfeld commended City Manager Owens on his op-ed piece written for the Post-Dispatch.

Alderman Lichtenfeld encouraged the Board to attend the dedication of the Shaw Park Sensory Garden next week.

Alderman Goodman commented that while watching the NBS Nightly News, Clayton's very own Chief Thorp was mentioned helping out with the Joplin emergency operations.

Alderman Harris added that at the dedication ceremony for the new sensory garden a check for \$4,200 will be presented to the Clayton Century Foundation from the Go Green 5K Run event.

Alderman Garnholz congratulated Alderman Goodman on her installation as an executive board officer on the St. Louis County Municipal League.

There being no further business, the meeting adjourned at 7:55 p.m.

Mayor

ATTEST:

City Clerk